

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 5550
)
Satomi MIYATA et al) Art Unit: 1614
)
I.A. Filing Date: 10/04/2003) Examiner: Joseph S. Kudla
371(c) Date: April 7, 2006)
) August 20, 2008
I. A. No.: PCT/JP2004/014591)
U.S. Appln. No.: 10/574,934) ATTY.'S DOCKET: MIYATA=6
)
For: AGENT FOR ENHANCING THE)
PRODUCTION OF COLLAGEN...)

TERMINAL DISCLAIMER

Pursuant to 37 C.F.R. §1.321(b)(1)(iv) and other parts of Section 1.321, the terminal part of any patent granted on the above-identified application No. 10/574,934 which would extend beyond the full statutory expiration date of any patent issuing from application No. 10/491,138, is hereby disclaimed by the common assignee, Kabushiki Kaisha Hayashibara Seibutsu Kagaku Kenkyujo, the owner of the entire right, title and interest in the present application and said application No. 10/491,138; and

it is hereby agreed that any patent so granted on the above-identified application No. 10/574,934 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application No. 10/491,138, this agreement to run with any patent granted on the above-identified application No. 10/574,934 and to be binding upon the grantee, its successors or assigns.

No disclaimer of any terminal part of any patent granted on the above-identified application No. 10/574,934 prior to the expiration date of the full statutory term of any patent issuing from application No. 10/491,138, is made in the event that the patent issuing from application No. 10/491,138 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, whereby the present terminal disclaimer is effective only for the separation of legal title as stated above. The "full statutory term" of the patent issuing from application No. 10/491,138 is the maximum granted term thereof, as extended by law at any time, and this terminal disclaimer is being made without waiver of the rights of applicants or the assignee to seek an extension of the patent granted on the instant application in accordance with law, including but not limited to the right to an extension under 35 U.S.C. §156 [see 37 C.F.R. §1.775(a)].

The intended scope of the present terminal disclaimer as set forth above and the non-alienation agreement above are intended to be the minimum required by law, and this document is to be considered to effectuate said intent. No admission is made that any claims of the present application are obvious over any prior patent.

The statutory disclaimer fee of \$130.00 is attached.

Attorney of Record

By


Anne M. Kornbau
Registration No. 25,884
(BROWDY AND NEIMARK, P.L.L.C.)

Date: August 22, 2008